

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<p>COMMONWEALTH <i>ex rel.</i> POWELL, <i>et. al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> <p>HOLMES, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION NO.</p> <p>1:18-cv-11336-FDS</p> <p><b>ASSENTED-TO MOTION TO EXTEND THE DEADLINE FOR RESPONDING TO THE STOUGHTON DEFENDANTS’ SEPARATE MOTION TO DISMISS BY 7 DAYS</b></p>
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Plaintiff-Relators respectfully submit this motion to amend the schedule the Court set on September 10, 2020 (Doc. No. 96) in one respect: by extending the deadline for responding to the separate motion to dismiss that the Stoughton Defendants<sup>1</sup> filed (Doc. No. 102) by seven (7) days. The Stoughton Defendants assent to this request. This motion does not seek the extension of any other deadlines, and it does not impact any other defendants. In support of this motion, the Plaintiff-Relators state:

1. On September 10, 2020, the Court set a schedule for briefing a motion to dismiss the False Claims Act claim set forth in count II of the Third Amended Complaint (Doc. No. 96). At that time, the City of Springfield had filed a motion to dismiss this claim (Doc. No. 92) and the other impleaded defendants (including the Stoughton Defendants) expressed their desire to also move to dismiss the False Claims Act claim.

2. On September 21, 2020, various defendants (including the Stoughton Defendants) filed motions to dismiss the False Claims Act claim. *See* Doc. Nos. 100, 101.

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<sup>1</sup> Brian Holmes, James O’Connor and Donna McNamara.

3. In addition, the Stoughton Defendants also filed a further motion seeking to dismiss the other claims in the Third Amended Complaint (Doc. No. 102). The Stoughton Defendants' separate motion seeks dismissal on other grounds, such as *Parratt-Hudson* doctrine (*i.e.* the availability of tort remedies in state court), qualified immunity, an argument grounded in *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and the claim that the civil conspiracy count (count III) fails to state a claim. *See* Doc. No. 103 at pp. 5-18.

4. While the Plaintiffs will respond to the Stoughton Defendants' separate motion, that motion was unexpected, and we have not set aside a sufficient amount of time to respond to these arguments adequately at the same time we respond to the arguments asserted in respect of the False Claims Act claim.

5. The Plaintiffs accordingly request that the deadline for responding to the motion to dismiss filed as Doc. No. 102 be extended by one week, to October 20, 2020.

Dated: October 8, 2020

Respectfully submitted,

THE PLAINTIFFS,  
By their attorneys,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 8, 2020.

/s/ David D. Jensen

David D. Jensen